

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

2008 JUN -6 A 11: 01

HORTON HOMES, INC.,

Plaintiff,

v.

LARUE BANDY, MARIE BANDY,  
PATRICK PRITCHETT, WILLIAM  
SHANER, ELSIE FONDREN  
AVERETTE, WILLIAM CRUTHIRDS,  
SHERRIE CRUTHIRDS, LARRY C.  
McCULLOUGH, and ROBERT  
JEROME TEAL, III,

Defendants.

EDRA P. HACKETT  
U.S. DISTRICT COURT  
MIDDLE DISTRICT

CIVIL ACTION NO.  
2:07-CV-506-MEF

**WAIVER OF SERVICE BY DEFENDANTS LARRY C. MCCULLOUGH  
AND ROBERT JEROME TEAL, III**

COME NOW Defendants Larry C. McCullough ("Defendant McCullough") and Defendant Robert Jerome Teal, III ("Defendant Teal"), and show the Court as follows:


On March 24, 2008, Plaintiff Horton Homes, Inc. ("Horton Homes") filed its "Motion for Leave to File Supplemental Complaint to Add Larry C. McCullough and Robert Jerome Teal, III, as Defendants" (the "Motion for Leave"). [Doc. No. 59.] By Order dated April 4, 2008 [Doc. No. 63], the Court granted the Motion for Leave. On that date, Horton Homes filed "Plaintiff Horton

Homes, Inc.'s Third Supplemental Amended Complaint" (the "Third Complaint").  
[Doc. No. 64.]

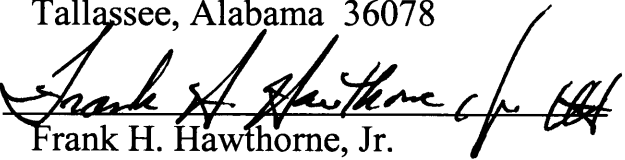
Through their undersigned counsel, and pursuant to Fed. R. Civ. P. 4(d)(1), Defendant McCullough and Defendant Teal hereby waive service of the Third Complaint and a Summons on each of them. Therefore, pursuant to Fed. R. Civ. P. 12(a)(1), Defendant McCullough and Defendant Teal shall have twenty days from the date of this Waiver to answer or otherwise respond to the Third Complaint.

Dated this 5 day of <sup>June</sup>~~May~~, 2008.

By:

  
Michael S. Harper  
Alabama Bar No. HAR094  
213 Barnett Boulevard  
P.O. Box 780608  
Tallahassee, Alabama 36078

By:

  
Frank H. Hawthorne, Jr.  
Alabama Bar No. HAW007  
Randy A. Myers  
Alabama Bar No. MYE003  
Hawthorne & Myers LLC  
322 Alabama Street  
Montgomery, Alabama 36104

*Counsel for Defendants Larry C. McCullough  
and Robert Jerome Teal, III*


**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this date served a true and correct copy of the within and foregoing "Waiver of Service by Defendants Larry C. McCullough and Robert Jerome Teal, III" on the following parties, through the Court's CM/ECF system and by manner of service as indicated below, in properly addressed envelopes, with adequate postage affixed thereon, as necessary, addressed as follows:

James L. Paul  
Thomas C. Grant  
*Chamberlain, Hrdlicka, White, Williams & Martin*  
191 Peachtree Street, N.E., 34th Floor  
Atlanta, Georgia 30303

Sydney F. Frazier  
*Cabaniss, Johnston, Gardner, Dumas & O'Neal, LLP*  
2001 Park Place North, Suite 700  
Birmingham, Alabama 35203

Dated this 5 day of <sup>June</sup>~~May~~, 2008.

By:   
Michael S. Harper  
Alabama Bar No. HAR094  
213 Barnett Boulevard  
P.O. Box 780608  
Tallahassee, Alabama 36078

*Counsel for Defendants Larry C. McCullough  
and Robert Jerome Teal, III*